

**EXHIBIT “F”**

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TROY LAMONT MOORE, ) DEPOSITION UPON  
SR., , )  
                        ) ORAL EXAMINATION  
Plaintiff, )  
                        ) OF  
- vs - )  
                        ) TROY LAMONT MOORE,  
COMMISSIONER LOUIS ) SR.  
GIORLA, MAJOR MARTIN, )  
C.O. WALDEN, R.N. )  
MEDICAL NURSE  
MCGROGAN,  
Defendants.

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TRANSCRIPT OF DEPOSITION,  
taken by and before ALEXANDRA ALVARADO, Professional Reporter and Notary Public, at the CRIMINAL JUSTICE COURT, 1301 Filbert Street, Room 1106, Philadelphia, Pennsylvania, on Monday, January 16, 2015, commencing at 2:15 p.m.

ERSA COURT REPORTERS  
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United Plaza - Suite 1520  
Philadelphia, Pennsylvania 19103  
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## TROY LAMONT MOORE, SR.

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1 APPEARANCES:		1 (By agreement of counsel, the 2 reading, signing, sealing, filing, and 3 certification of the transcript have been 4 waived; and all objections, except as 5 to the form of the question, have been 6 reserved until the time of trial.) 7	
2 CITY OF PHILADELPHIA LAW DEPARTMENT 3 BY: AARON SHOTLAND, ESQUIRE 4 1515 Arch Street 5 14th Floor 6 Philadelphia, Pennsylvania 19102 7 Counsel for Plaintiff		8 TROY LAMONT MOORE, SR., 9 after having been duly sworn, was examined 10 and testified as follows: 11	
8 GOLD & FERRANTE, P.C. 9 BY: ALEXANDER R. FERRANTE, ESQUIRE 10 261 Old York Road 11 Suite 516 12 Jenkintown, Pennsylvania 19046 13 Counsel for Defendant		12 BY MR. SHOTLAND: 13 Q. Mr. Moore, my name is Aaron Shotland. I 14 represent some of the defendants in this case. 15 Can you hear me okay? 16 A. Yes, I can, sir. 17 Q. We're going to take your deposition. I'm 18 joined with counsel for another defendant, 19 Mr. Ferrante, who's going to have some questions for 20 you as well. But let me start by asking you, have 21 you ever been deposed before? 22 A. No, I have not. 23 Q. Well, this is a deposition and I'm going to 24 ask you questions. There's a court reporter here on	
1 INDEX 2 --- 3 WITNESS 4 TROY LAMONT MOORE, SR. 5 EXAMINATION PAGE 6 By: Mr. Shotland 4, 61 7 By: Mr. Ferrante 42 8 9 10 11 12 EXHIBITS PAGE PAGE 13 NUMBER DESCRIPTION MARKED ATTACHED 14 (No exhibits were marked.) 15 --- 16 17 18 19 20 21 22 23 24	3	1 this end that's going to take down all my questions 2 and all your answers. So I'm going to give you some 3 instructions so that this deposition goes smoothly 4 and that she can record everything that's said. 5 Okay? 6 A. Yes, sir. 7 Q. Please try to keep your answers verbal, try 8 not to shake your head or nod your head or 9 demonstrate anything with your body. Keep all your 10 answers verbal. Okay? 11 A. Yes, sir. 12 Q. And wait until I'm finished asking a 13 question before you begin your answer, that way she 14 can write down everything that we both say. Okay? 15 A. Yes, sir. 16 Q. If you don't understand a question, let me 17 know and I'll rephrase it so that you do understand 18 it. But if you answer a question, I'm going to 19 assume that you understood it. Okay? 20 A. Yes, sir. 21 Q. Have you taken any substances today that 22 would prevent you from testifying honestly and 23 accurately? 24 A. No.	5

2 (Pages 2 to 5)

## TROY LAMONT MOORE, SR.

<p>1 Q. How are you feeling today?</p> <p>2 A. Good. I would like to, if possible, make a 3 short statement before we begin. So I'll wait until 4 you're finished with instructions and then see if 5 that's allowed.</p> <p>6 Q. You can say whatever you want. I'm done 7 instructing you, so go ahead.</p> <p>8 A. Okay. I just have a short statement. On 9 1/12/15 I forwarded both defendants' counsel a 10 letter advising it is imperative for a postponement 11 regarding this deposition on 1/16/15 at 2 o'clock at 12 SCI Forest.</p> <p>13 On 1/12/15 I informed the Unit Manager of 14 Childs and Counsellor Price the need to contact the 15 defendants' counsel by phone. Both parties denied 16 me access to contact the defendants' counsel 17 regarding noncompliance with Judge Robreno's motion 18 to compel for the inspection of evidence consisting 19 of the video footage, documents, repair reports and 20 medical reports.</p> <p>21 On 1/12/15 I submitted inmate requests to 22 staff member SCI Force Medical Department to obtain 23 those medical records. On 1/13/15 Bob Rumsick (ph), 24 medical records supervisor, denied my request to</p>	<p>6</p> <p>1 Q. How long have you been incarcerated at SCI 2 Forest?</p> <p>3 A. Since April 1st of 2014.</p> <p>4 Q. Where did you reside prior to SCI Forest?</p> <p>5 A. At SCI Graterford.</p> <p>6 Q. How long were you at SCI Graterford?</p> <p>7 A. I believe less than six months.</p> <p>8 Q. So you would have arrived there some time 9 around October or November of 2013?</p> <p>10 A. Correct.</p> <p>11 Q. Where did you reside prior to SCI 12 Graterford?</p> <p>13 A. PICC Prison in Philadelphia.</p> <p>14 Q. When did you begin to reside at PICC?</p> <p>15 A. I was first incarcerated July 4th of 2012.</p> <p>16 Q. And from July 4th, 2012 to sometime in 17 October or November of 2013 you were at PICC?</p> <p>18 A. I'm sorry -- I'm sorry, 2000 -- this is 19 '15, last year is '14, '13. I'm sorry, 2013 I 20 believe.</p> <p>21 Q. So you're saying you got to PICC on July 22 4th, 2013?</p> <p>23 A. Actually, I was arrested then. It takes 24 several days to get to the prison. So that's the</p>
<p>1 inspect my medical records.</p> <p>2 In addition, the defendant's counsel, Aaron 3 Shotland, has failed to forward any and all evidence 4 for inspection per Judge Robreno's order to compel.</p> <p>5 At this time I would like to formally 6 request the defendants contact Judge Robreno's 7 chambers by phone to ascertain subpoenas for the 8 following things: The video footages, cell repair 9 reports, medical records and witnesses Childs, 10 Price, Sara Segal and Bob Rumsick to testify at the 11 deposition. Thank you.</p> <p>12 Q. Are you finished?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Thank you.</p> <p>15 Can you state and spell your name for the 16 record?</p> <p>17 A. Troy Lamont Moore, T-R-O-Y, L-A-M-O-N-T, 18 M-O-O-R-E, S-R.</p> <p>19 Q. What is your date of birth?</p> <p>20 A. 8/20/1972.</p> <p>21 Q. Where do you currently reside?</p> <p>22 A. At SCI Forest.</p> <p>23 Q. Do you know what town that's in?</p> <p>24 A. I do not.</p>	<p>7</p> <p>1 day I was arrested though.</p> <p>2 Q. Some time in July 2013 you began your 3 incarceration at PICC; is that fair?</p> <p>4 A. Correct.</p> <p>5 Q. The incident that we're here for today, 6 that occurred on September 16th, 2013?</p> <p>7 A. Correct.</p> <p>8 Q. Did you graduate from high school?</p> <p>9 A. Yes, I did.</p> <p>10 Q. Where did you attend high school?</p> <p>11 A. I attended high school at Bensalem High 12 School in Bensalem, PA.</p> <p>13 Q. What year did you graduate?</p> <p>14 A. 1990.</p> <p>15 Q. Do you have any education beyond high 16 school?</p> <p>17 A. I have an associates degree in business 18 management.</p> <p>19 Q. Where did you obtain your associates 20 degree?</p> <p>21 A. Ashworth College.</p> <p>22 Q. What year did you obtain your associates 23 degree?</p> <p>24 A. 2006.</p>

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	10		12
1 Q. Do you have any education beyond your 2 associates degree?		1 that correct?	
3 A. No.		2 A. That is correct.	
4 Q. Did you have -- do you have any formal 5 training after 2006, formal education?		3 Q. And you pled guilty to robbery in 2014; is 4 that correct?	
6 A. Some education with Chevrolet.		5 A. Yes, sir.	
7 Q. What did you do with Chevrolet?		6 Q. And you're currently serving a 10 to 20 7 year sentence for that conviction?	
8 A. I was a consultant and sales agent for two 9 major dealerships in Houston.		8 A. Yes, sir.	
10 Q. When was that?		9 Q. Have you been convicted of any other crimes 10 that we haven't talked about?	
11 A. 2011 to 2012.		11 A. No, just the robbery.	
12 Q. Are you married?		12 Q. I want to talk to you to a little bit about 13 your medical history.	
13 A. No, I am not.		14 Do you -- did you have any health issues 15 prior to September 16th, 2013?	
14 Q. Do you have any children?		16 A. Yes.	
15 A. Two.		17 Q. What kind of health issues did you suffer 18 from?	
16 Q. What was your last employment prior to 17 being incarcerated?		19 A. I have a lower lumbar disability, which is 20 mainly handled through the VA, Veterans 21 Administration. I have CAD, which is coronary 22 artery disease, which I am prescribed and take 23 Nitrostat Tabs PRN. And also I have PTSD.	
18 A. I was a shift supervisor for an oil 19 refinery in North Philadelphia.		24 Q. When were you first diagnosed with your	
20 Q. What was -- who was your employer?	11		13
21 A. Neats Foot Oil Refinery.		1 lower lumbar disability?	
22 Q. Can you spell that?		2 A. My best estimation would be '97.	
23 A. N-E-A-T-S, F-O-O-T, Oil Refinery.		3 Q. And you've suffered with lower lumbar 4 issues ever since?	
24 Q. And can you give me your dates of		5 A. Correct.	
		6 Q. When were you first diagnosed with coronary 7 artery disease?	
1 employment at the oil refinery?		8 A. I would say '98.	
2 A. I believe January of 2013 to July of 2013.		9 Q. And have you continued to suffer from 10 coronary artery disease since 1998?	
3 Q. You were employed by the oil refinery when 4 you were arrested?		11 A. Yes.	
5 A. I just had resigned a week before.		12 Q. When were you diagnosed with PTSD?	
6 Q. I want to talk to you a little bit about 7 your criminal history. My understanding is you were 8 convicted of robbery in 2002 --		13 A. 2012.	
9 A. Correct.		14 Q. Do you know what the PTSD stems from? Is 15 it from a certain incident?	
10 Q. -- is that correct?		16 A. Yes.	
11 A. Yes.		17 Q. What happened?	
12 Q. How many years did you serve for that 13 conviction?		18 A. Actually, it's an assault that happened 19 while I was in the military.	
14 A. Nine years, nine months, 26 days, 23 hours, 15 15 minutes, 20 seconds.		20 Q. How long were you in the military?	
16 Q. When were you released?		21 A. From 1990 to 1993.	
17 A. I was released -- actually, I left the 18 state system on prerelease in 2011.		22 Q. And you were diagnosed with PTSD in 2012.	
19 Q. Where did you serve the majority of your 20 time for the 2002 conviction?		23 Was there any kind of incident that triggered from 24 the PTSD from the prior Army assault?	
21 A. At SCI Rockview.			
22 Q. How long did you spend at Rockview?			
23 A. Roughly seven and a half years.			
24 Q. And you were arrested again in 2013; is			

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	14		16
1 A.	Actually, I was -- I was checked into a	1 get the officer on duty to open the door so I could	
2 mental institution --		2 get out of that situation and to no avail basically.	
3 Q.	Was that in 2012?	3 Q.	Let me back up a little bit. It was not
4 A.	-- slash hospital. That was in 2012.	4 the toilet in your cell that overflowed, it was the	
5 Q.	And what did they tell you at the hospital?	5 toilet in the cell across from you; is that correct?	
6 A.	They went over my history, and at that time	6 A.	No. No. No. It was the toilet in my
7 they diagnosed me with PTSD.		7 cell. I was sitting across the room from the	
8 Q.	Has somebody told you that PTSD stems from	8 toilet.	
9 the assault in the Army when you were enlisted?		9 Q.	Can you describe your cell as far as the
10 A.	In the marine corp, yes.	10 size of it?	
11 Q.	I'm sorry, the marine corp.	11 A.	I think basically most cells are about the
12 Who told you that?		12 same, eight and a half feet by -- eight and a half	
13 A.	A doctor at the hospital I was -- I was at.	13 by 13. So I'm sitting on the opposite side of the	
14 Q.	What hospital did you treat at?	14 room from the toilet.	
15 A.	That was -- I can't remember the hospital's	15 I just want to add that the burst out of	
16 name offhand, but it is in my medical records.		16 the toilet was so violent there was defecation four	
17 Q.	Do you have a copy of your medical records	17 feet high on the walls so...	
18 from that hospitalization?		18 Q.	What do you mean by defecation?
19 A.	To my understanding, we are not, as	19 A.	Human waste, solid human waste.
20 inmates, allowed to possess medical records while		20 Q.	You were sitting on your footlocker near
21 we're incarcerated.		21 the door to the cell; is that correct?	
22 Q.	I'm asking you whether you have access to	22 A.	That is correct.
23 those records or not?		23 Q.	And the toilet is on the other side of the
24 A.	I don't have access to them, but they're	24 cell?	
	15		17
1 here because the institution actually sent it to the		1 A.	Correct. Not long ways, short ways.
2 hospital to acquire those records.		2 Q.	Did you have a roommate or a celly at the
3 Q.	Understood.	3 time?	
4 Let's talk about the September 16th, 2013		4 A.	I did at the time. His name is
5 incident. Can you describe that incident in your		5 Mr. Bassamy.	
6 own words?		6 Q.	Can you spell that?
7 A.	Would you like me to go from start to end?	7 A.	He was actually -- B-A-S-S-A-M-Y, first
8 Q.	Well, let's start with -- my understanding	8 name Gabriel.	
9 is there was an overflowing toilet in your cell; is		9 Q.	And this is cell number 18; is that
10 that correct?		10 correct?	
11 A.	That is correct.	11 A.	That is correct.
12 Q.	What caused the overflowing toilet in your	12 Q.	And it was in the G2 unit at PICC?
13 cell?		13 A.	That is correct.
14 A.	I have absolutely no idea what caused it.	14 Q.	Was Mr. Bassamy in the cell when the toilet
15 Basically that evening, approximately 23:15 hours, I		15 exploded?	
16 was sitting on a footlocker about to take off my		16 A.	Yes, he was. He also was contaminated with
17 shoes and get prepared for bed. Across the room		17 raw sewage. He was actually about to climb the	
18 from the toilet, the water in the toilet absolutely		18 ladder to get on the top bunk. So we were pretty	
19 exploded covering me in raw sewage.		19 much in the same proximity.	
20 My first instinct was to get to the sink to		20 Q.	Mr. Bassamy was not using the toilet at the
21 wash it out of my eyes and my mouth. At that time I		21 time; is that correct?	
22 also went through distress due to irregularities in		22 A.	No. No one was using the toilet.
23 my heart beat, chest pains, shortness of breath.		23 Q.	Did you look at the toilet at any point in
24 Basically I banged on the door as long as I could to		24 the day prior to this incident?	

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	18		20
1 A.	Yes, the toilet was working fine all day.	1 like she couldn't hear me.	
2 Q.	Did you observe anything in the toilet?	2 At that point, because I was in distress, I	
3 A.	I'm sorry?	3 had to actually lay down and try to calm myself down	
4 Q.	Did you observe anything in the toilet that	4 because of the chest pains. At that point my celly,	
5 was obstructing the toilet?		5 Mr. Bassamy, continued to bang on the door to no	
6 A.	No, not at all.	6 avail. The door was not opened, but she did let the	
7 Q.	So as you sit here today --	7 block worker out to clean and make sure that raw	
8 A.	I also would like to add --	8 sewage didn't spread.	
9 Q.	As you sit here today you have no idea why	9 And also the cell next to ours, she allowed	
10 the toilet exploded?		10 those inmates to evacuate their cell, clean their	
11 A.	No, I do not. But I'd also like to add	11 cell and lock them back in, but we weren't allowed	
12 that the cell directly next to ours overflowed also		12 to.	
13 that same night. Throughout the night the toilet in		13 Q. When you say the block worker, I'm a little	
14 my cell overflowed approximately every 10 minutes		14 confused as to who that is. Is that someone from a	
15 throughout the night until that next morning when		15 different cell than yours?	
16 they brought emergency maintenance people on the		16 A. That is correct. He was on the same tier	
17 block.		17 as me. His job on the block was to sweep, mop,	
18 Q.	The first time it overflowed was about	18 clean showers during the day. So he's, I guess you	
19 11:15 p.m.; is that correct?		19 would say, kind of like a trustee for the block.	
20 A.	Yes, sir.	20 He's a long-term incarcerated inmate in the county.	
21 Q.	And it continued to overflow throughout the	21 Q. And you said that he was mopping the area	
22 night; that's your testimony?		22 all night long?	
23 A.	Yes, sir.	23 A. That is correct.	
24 Q.	What time in the morning did -- you said	24 Q. What time did he start mopping?	
	19		21
1	repairmen came out to repair the toilet; is that	1 A. Approximately 10 minutes after the toilet	
2 right?		2 exploded. She went down, she unlocked his door, he	
3 A.	I'm sorry, one repairman came in the	3 came out and got the equipment and basically	
4 morning. Our doors were actually opened at -- I		4 squeegeed and mopped raw sewage into the drain	
5 believe at around 7 -- 07:30.		5 system. And he did that all night to my knowledge.	
6	But I'd also like to add that because of	6 Q. At some point did you request medical	
7 the constant overflowing all night, the correctional		7 attention?	
8 officer, her name was Walden, she actually allowed		8 A. I asked Officer Walden -- at that point I	
9 an inmate, a block worker, to come out of his cell.		9 was banging on the door letting her know that I	
10 She posted him outside of my cell door all night		10 needed medical attention. I was totally ignored.	
11 just to mop so the raw sewage wouldn't go across the		11 She never even spoke to me.	
12 tier into other cells.		12 Q. Do you know Officer Walden's first name?	
13 Q.	Who was that inmate?	13 A. No, I do not. I'm assuming -- I believe we	
14 A.	I don't have his name.	14 had a difference in opinion as far as when we met	
15 Q.	What time were you let out of your cell the	15 last time with the judge as to how to find Officer	
16 next morning?		16 Walden. I believe that all officers are required to	
17 A.	I believe it was approximately 7:30.	17 log in and out. So on that day during the overnight	
18 Q.	Between the hours of 11:15 p.m. and 7:30	18 graveyard shift that's the only person who was	
19 a.m. the next day did you speak to any PICC		19 there.	
20 employees other than Correctional Officer Walden?		20 Q. What time did you request medical attention	
21 A.	No. The only person that I had contact	21 for the first time?	
22 with is Correctional Officer Walden. I continued to		22 A. Right away.	
23 bang on the door for the first hour after the		23 Q. So around 11:30?	
24 incident happened. She continued to walk by and act		24 A. Yes.	

6 (Pages 18 to 21)

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<p>1 Q. Did you write up a sick call request at 2 some point?</p> <p>3 A. I actually did -- I believe over the next 4 week I probably submitted six or seven sick call 5 requests. After the last one I was told by a 6 doctor, who normally does sick calls, that my sick 7 call request would no longer be accepted.</p> <p>8 Q. What doctor was that?</p> <p>9 A. I have no idea of what her last name is. I 10 believe she is of Indian decent.</p> <p>11 Q. Well, I'm looking at the attachments to 12 your complaint. It looks like this sick call 13 request that I'm looking at is labeled Exhibit 2A.</p> <p>14 Do you have a copy of your complaint there?</p> <p>15 A. Not in front of me.</p> <p>16 Q. Do you recall making a sick call request, 17 and this one is dated September 17th, 2013? It says 18 medical problem, be specific, you wrote shortness of 19 breath, throwing up, diarrhea, rash, facial and arms 20 due to exposure of raw sewage for several hours.</p> <p>21 Is that familiar to you?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Do you recall writing up that sick call 24 request?</p>	<p>22</p> <p>1 concur with that.</p> <p>2 Q. When did you start experiencing shortness 3 of breath?</p> <p>4 A. During the incident.</p> <p>5 Q. How soon after the incident did you have 6 shortness of breath?</p> <p>7 A. I would say when the chest pain started.</p> <p>8 Q. When did the chest pain start?</p> <p>9 A. Pretty much right after the incident 10 happened while I was at the sink.</p> <p>11 Q. So maybe a few minutes afterwards, a few 12 hours afterwards?</p> <p>13 A. A few minutes.</p> <p>14 Q. It also -- the sick call request also says 15 that you were throwing up. When did you throw up?</p> <p>16 A. I threw up in the cell. And also I have 17 periods of throwing up, vomiting days following.</p> <p>18 Q. When did you stop throwing up?</p> <p>19 A. It wasn't more than maybe four days.</p> <p>20 Q. You were throwing up for four days?</p> <p>21 A. Not constantly. Periods, yes.</p> <p>22 Q. So this incident happened on the night of 23 the 16th. Is it your testimony that you threw up on 24 the 16th, the night of the 16th, the 17th, the 18th</p>
<p>1 A. Yes, sir.</p> <p>2 Q. The date on it, it has a 9, a dash and then 3 something written and scribbled out and then a 17 4 written over whatever was scribbled out.</p> <p>5 Do you know what was written prior to it 6 being scribbled out and 17 being placed above it?</p> <p>7 A. To my knowledge there shouldn't be anything 8 scribbled on it.</p> <p>9 Q. Okay. The date on it with the correction, 10 whatever it was, is 9/17/2013. Is that the date 11 that you wrote this sick call request and submitted 12 it?</p> <p>13 A. I believe so, that would be the day after.</p> <p>14 Q. What time of day did you submit -- write it 15 and submit it?</p> <p>16 A. I'm not sure what time of day it was.</p> <p>17 Q. Could you tell me whether it was the 18 morning, the afternoon, the evening?</p> <p>19 A. I cannot give you a specific -- when it 20 was.</p> <p>21 Q. That sick call request was your first sick 22 call request that you prepared after this incident; 23 is that correct?</p> <p>24 A. It happened on the 16th, yes, I would</p>	<p>23</p> <p>1 and the 19th?</p> <p>2 A. That is correct, sir.</p> <p>3 Q. When did you start experiencing diarrhea?</p> <p>4 A. I would say the night -- the night -- the 5 evening of the 17th.</p> <p>6 Q. How long did you have diarrhea?</p> <p>7 A. I believe two days.</p> <p>8 Q. And you also said that you had a rash. Can 9 you tell me about the rash?</p> <p>10 A. I had patches of rashes from my scalp all 11 the way down my body, which the medical department 12 examined.</p> <p>13 Q. Now, you kind of just said that you had 14 rashes covering your body. Was that your entire 15 body?</p> <p>16 A. Not the entire body, but in patches, yes.</p> <p>17 From my scalp all the way down including athlete's 18 feet (sic), rash on my feet,</p> <p>19 Q. Did the -- did this incident cause you to 20 have athlete's foot? Is that your understanding?</p> <p>21 A. I would say yes because I didn't have any 22 foot fungus prior to this incident. My best 23 assumption would be from actually standing in an inch of raw sewage is probably what caused that, not</p>

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	26		28
1	to mention, I was soaked in it.	1	Q. So if I understand you correctly, between
2	Q. There was one inch of raw sewage in your	2	September 17th, 2013 and November -- November 7th,
3	cell?	3	2013 you did not see a medical professional at PICC?
4	A. Exactly. What happens is, those cells --	4	A. No, I did see a medical professional. It
5	the layout of those cells, they're slanted. So if	5	just wasn't in the medical department. From filling
6	something overflows, the cell actually fills up	6	out the sick call slips they would call me over to
7	about an inch before gravity will push anything out	7	the mini triage which is right outside the block.
8	under the door. So it was about maybe an inch of	8	In those sessions describing the fungus on
9	raw sewage on the floor, which I was ordered to	9	my feet, the rashes, the stomach problems, the
10	clean up the day after with no protective gear.	10	violent vomiting, the severe headaches for I would
11	Q. Did you follow that order and clean it up?	11	say probably weeks, they treated me for those
12	A. I did. I followed that order. I actually	12	things.
13	cleaned the cell before they allowed me to take a	13	For the fungus they gave me fungal cream.
14	shower to get the raw sewage clothes off of me.	14	For the violent vomiting they gave me antacids for
15	After that I was allowed to proceed to medical.	15	my stomach. For the chronic headaches they gave me
16	Q. What time did you proceed to medical?	16	aspirin. Actually I saw someone, but it just wasn't
17	A. I would assume it would be around 9	17	in the medical department.
18	o'clock.	18	Q. Was the person you saw at the medical
19	Q. 9 a.m. on September 17th you went to	19	triage, was that a nurse?
20	medical?	20	A. I believe she was a doctor.
21	A. That is correct, sir.	21	Q. You saw a medical doctor?
22	Q. Can you tell me about your treatment at	22	A. This is the same -- I'm sorry. This is the
23	medical?	23	same person that told me my sick call requests would
24	A. Okay. I proceeded to medical. Once I got	24	no longer be honored.
	27		29
1	there I let them know that I was in distress. I had	1	Q. Do you know who that person is?
2	chest pains, shortness of breath. I sat in the	2	A. I do not know her name. She is of Indian
3	waiting room.	3	descent.
4	Approximately 15 minutes later I was called	4	Q. And your understanding is that that's a
5	to the next corridor where one of the defendants'	5	medical doctor?
6	nurse, RN McGrogan, came over to me. I explained to	6	A. Yes.
7	her that I had CAD. At that point I requested a	7	Q. Did you receive any diagnoses from the
8	Nitrostat Tab. She then proceeded to put a finger	8	doctor or the nurse that you saw?
9	monitor on my finger and walked away from me.	9	A. No, I did not, other than just saying that
10	Approximately two minutes passed by, she	10	these are minor problems.
11	came down, she took the finger monitor off. I asked	11	Q. I'm going to move onto your grievances. Do
12	her again for a Nitrostat Tab and her exact words	12	you have a copy of your grievances that you filed?
13	were, you're wasting my time. And she ordered me	13	A. Not in front of me.
14	back to the block.	14	Q. I'm looking at Exhibit Number 1 from your
15	Q. Did you receive any other treatment while	15	complaint. Attached is a grievance. The grievance
16	you were at medical other than what you just	16	is dated, September 17th, 2013.
17	described?	17	Do you recall submitting a grievance on
18	A. Absolutely none.	18	September 17th, 2013?
19	Q. Did you return to medical at any point?	19	A. Yes, sir.
20	A. The only time I went back to medical was	20	Q. Just to summarize the grievance, it appears
21	right before I was being transferred upstate and	21	to be involving the overflowing toilet in your cell.
22	that was for checking out purposes.	22	And you mentioned shortness of breath, vomiting,
23	Q. When were you transferred upstate?	23	diarrhea, rash as a result of the overflowing
24	A. I believe November 11th of 2013.	24	toilet.

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	30		32
1	Are you familiar with that grievance?	1	be appealed in order to be reviewed by the
2	A. Yes, sir.	2	superintendent at the next grievance level seeing
3	Q. Was that the first grievance you submitted	3	that the initial grievance was not reviewed by a
4	following this incident?	4	board.
5	A. Yes, sir.	5	A. Okay, I believe in the rules and
6	Q. Is this grievance grieving any particular	6	regulations of filing grievances, the grievance is
7	employee at PICC?	7	supposed to be submitted to a board. That was not
8	A. You're asking me if it's grieving any	8	done. Also I asked for a procedural amendment so
9	particular person?	9	this doesn't happen again.
10	Q. Yes.	10	There is absolutely nothing in place at
11	A. I don't have the grievance in front of me.	11	that level at PICC to ensure that other inmates
12	Q. Do you recall who this grievance was	12	don't have to go through this.
13	directed at, if anybody?	13	Q. Where is your procedural amendment? Is
14	A. I would venture to say that the issue	14	there a procedure proposed?
15	started with CO Walden.	15	A. No, I do -- what I was looking for was to
16	Q. I'll represent to you that Correctional	16	come up with some common ground to submit a
17	Officer Walden is not mentioned in this grievance.	17	procedural amendment.
18	Nowhere in this grievance does her name appear.	18	Q. You never got to the stage of actually
19	A. Okay.	19	submitting one; is that correct?
20	Q. Do you recall writing a grievance with	20	A. No, at every level the grievances were
21	Correctional Officer Walden's name?	21	brushed off as -- there was no action taken.
22	A. I believe I did. I just don't know which	22	Q. There's a few parties in this lawsuit, and
23	one.	23	I'm going to talk to you about them in a little bit.
24	Q. I'm going to move onto the next page of the	24	You have sued Commissioner Giorla.
	31		33
1	Exhibit 1. It appears to be another grievance that	1	Can you tell me about your interaction with
2	you filed. It's dated October 4th, 2013.	2	Commissioner Giorla, if there was one?
3	Can you explain to me why you submitted the	3	A. Okay. After all three grievance levels
4	second grievance? It talks about how the first	4	were pursued per the rules and regulations of
5	grievance wasn't remedied. So can you explain that?	5	submitting grievances in this process, I personally
6	A. Actually there was -- they never even	6	spoke to Commissioner Giorla about the situation.
7	answered the first grievance. There was no	7	Absolutely no action was taken.
8	response.	8	Q. When did you speak with Commissioner
9	Q. Okay. This second grievance dated October	9	Giorla?
10	4th, 2013, did you file this because you did not get	10	A. I believe three or four days after the
11	a response to your first grievance?	11	incident occurred. He was actually at PICC and I
12	A. Would you care to read the grievance to me?	12	spoke to him candidly. If need be, I guess it can
13	Q. Sure. I declare or certify, verify or	13	-- the video can be retrieved because it was in shot
14	state under the penalty of perjury under the laws of	14	of a camera. So...
15	the United States of America that the foregoing is	15	Q. Where did you speak with Mr. -- or
16	true and correct. This is in reference to a	16	Commissioner Giorla?
17	previous grievance filed. The grievance was	17	A. On the G2 block.
18	reviewed by Major Martin and only partially	18	Q. What time was it when you spoke with him?
19	remedied.	19	A. I would say approximately 10:00 or 11:00 in
20	Part 1 of the action, requested medical	20	the morning, a.m.
21	needs was initiated. However, part 2, action	21	Q. And it was either on September 19th or
22	requested procedural amendment to ensure no	22	September 20th; is that correct?
23	reoccurrence was inadequately addressed. I'm	23	A. I believe so.
24	formally requesting that this continuation grievance	24	Q. What did you say to Commissioner Giorla?

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<p style="text-align: right;">34</p> <p>1 A. I explained the entire situation that had 2 happened. I also explained that I had submitted 3 grievances trying to get some resolution. His 4 response to the whole conversation was that his 5 officers are to handle things at their level, 6 meaning it's not his concern.</p> <p>7 Q. What did you ask Commissioner Giorla to do?</p> <p>8 A. To look into the situation and hopefully 9 find a remedy.</p> <p>10 Q. Did you propose a remedy to Commissioner 11 Giorla?</p> <p>12 A. No, I did not.</p> <p>13 Q. What exactly were you looking for him to 14 do?</p> <p>15 A. To actually put something in place where 16 this type of incident doesn't have to happen again. 17 For one, he already stated that his guards are to 18 handle it at their leisure at that level.</p> <p>19 My whole thing is, just when they had the 20 meeting in Major Martin's office, the first thing 21 she did when she found out about the situation, she 22 ordered one of her guards to pull the videotape 23 immediately. Okay.</p> <p>24 Her first instinct was to let me know that</p>	<p style="text-align: right;">36</p> <p>1 Q. Was he in uniform?</p> <p>2 A. No, he was not.</p> <p>3 Q. I want to talk to you about Major Martin. 4 Can you tell me your interaction with Major Martin?</p> <p>5 A. Basically at the second level of the 6 grievance system I was called to Major Martin's 7 office. To my understanding, she serves on the 8 grievance board at that level.</p> <p>9 Once the correctional officer picked me up 10 from the block and escorted me to her office I went 11 inside. She asked me what the situation was. I 12 explained to her in great detail about the cell 13 overflowing, the toilet overflowing, not being able 14 to get medical attention that night until the next 15 morning, where I still didn't get medical attention, 16 the medical issues that were going on.</p> <p>17 She, at that point, ordered the guard that 18 escorted me to go and remove the tape and preserve 19 the tape. She said she would look into things. I 20 never heard anything else at that level from her.</p> <p>21 Q. When did you speak with Major Martin?</p> <p>22 A. I don't recall what day it was.</p> <p>23 Q. Do you know how many days after this 24 incident you spoke with Major Martin?</p>
<p style="text-align: right;">35</p> <p>1 at that time of night, after 23:00 hours the guard 2 can't open doors for anyone. But the video footage 3 obviously will contradict that. Because not one, 4 but two cells were open for cleaning purposes.</p> <p>5 So everyone is given the same runaround 6 here. And I looked towards Commissioner Giorla to 7 rectify this situation so this type of thing doesn't 8 happen anymore. And he basically brushed it off.</p> <p>9 Q. What does Commissioner Giorla look like?</p> <p>10 A. He's quite heavyset. He's shorter than me. 11 I'm 6'3" and three-quarters. So he's approximately 12 -- I would say 5'9", very heavyset man.</p> <p>13 Q. How old is he?</p> <p>14 A. I would venture to say in his late 40s, 15 early 50s.</p> <p>16 Q. What color is his hair?</p> <p>17 A. That I don't remember.</p> <p>18 Q. Does he wear glasses?</p> <p>19 A. At that time I don't remember him having 20 glasses on.</p> <p>21 Q. What was he wearing when you spoke with 22 him?</p> <p>23 A. He was wearing a button up shirt, dress 24 shirt and slacks.</p>	<p style="text-align: right;">37</p> <p>1 A. It may have been two to three weeks 2 afterwards.</p> <p>3 Q. You first spoke with Major Martin two to 4 three weeks after this incident?</p> <p>5 A. I believe so.</p> <p>6 Q. So you spoke with Commissioner Giorla prior 7 to speaking with Major Martin?</p> <p>8 A. That is correct.</p> <p>9 Q. You had a meeting with Major Martin in her 10 office?</p> <p>11 A. That is correct.</p> <p>12 Q. Where is her office?</p> <p>13 A. I couldn't give you a floor plan. I don't 14 -- that's my first time in PICC. So all I know is 15 how to get to the block, but I was escorted, so...</p> <p>16 Q. Is Major Martin's office in PICC?</p> <p>17 A. Yes, it is.</p> <p>18 Q. You didn't have to go outside to get there?</p> <p>19 A. No.</p> <p>20 Q. You said that Major Martin told you she was 21 going to pull the video?</p> <p>22 A. She instructed the escorting officer to immediately pull and preserve the video.</p> <p>23 Q. When you are referring to a video, what</p>

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<p>1 video camera are you talking about?</p> <p>2 A. The video camera that is on G2 unit.</p> <p>3 Q. How many video cameras are on G2?</p> <p>4 A. I'm not sure.</p> <p>5 Q. Did you see a video camera on G2?</p> <p>6 A. Yes.</p> <p>7 Q. How many video cameras did you see?</p> <p>8 A. I know of one. There's definitely one.</p> <p>9 Q. Where is the one that you know of? Where</p> <p>10 is that located on G2?</p> <p>11 A. The front half of the block.</p> <p>12 Q. So there's one video camera on the front</p> <p>13 half of the block that faces down the hallway of the</p> <p>14 cells; is that correct?</p> <p>15 A. It actually faces the front of the cells</p> <p>16 excluding the corridor, which is at the back of the</p> <p>17 block. So the video footage would absolutely,</p> <p>18 definitely show that I was banging on the door, that</p> <p>19 other inmates were let out, that my cell was</p> <p>20 overflowing all night, which is why it's imperative</p> <p>21 that I examine that evidence.</p> <p>22 Q. I think you referenced that you requested</p> <p>23 the video be preserved. When did you make a request</p> <p>24 that the video be preserved?</p>	<p>38</p> <p>1 Correctional Officer Walden?</p> <p>2 A. She's an African American woman. I would</p> <p>3 put her taller than Major Martin. So she's probably</p> <p>4 about 5'9", 5'10". Probably early to mid 50s.</p> <p>5 She's a little bit older. Very thin build.</p> <p>6 Q. Who is Larry Rodriguez?</p> <p>7 A. Larry Rodriguez is another inmate who was</p> <p>8 incarcerated at the same time I was on G2. He</p> <p>9 actually -- several inmates actually witnessed the</p> <p>10 overflowing of the raw sewage coming from my cell</p> <p>11 out onto the tier.</p> <p>12 His cell was in proximity where he could</p> <p>13 see the front door of my cell. That is why I</p> <p>14 ascertained an affidavit from him.</p> <p>15 Q. Do you know what cell number he was in?</p> <p>16 A. Not cell number. I can't recall the</p> <p>17 number.</p> <p>18 Q. But you said he was across from you?</p> <p>19 A. Actually, it's on the upper tier. It's the</p> <p>20 last cell, which would be the closest to the CO's</p> <p>21 desk upstairs. So his --</p> <p>22 Q. Could he see inside your cell?</p> <p>23 A. Inside, I wouldn't say that, no. He could</p> <p>24 see -- he can see my window and he can see the</p>
<p>39</p> <p>1 A. That -- at that meeting with Major Martin.</p> <p>2 Q. Was that requested in writing?</p> <p>3 A. No, it was not.</p> <p>4 Q. Do you have a copy of any requests you made</p> <p>5 to preserve the video of this incident?</p> <p>6 A. Absolutely not. It was verbal from me to</p> <p>7 her and it was verbal from her to her CO.</p> <p>8 Q. What does Major Martin look like?</p> <p>9 A. She's an African American woman. I would</p> <p>10 probably say in her late 40s, early 50s. Her office</p> <p>11 is very small. It's actually crowded by a desk that</p> <p>12 probably takes up most of the office.</p> <p>13 Q. Can you describe her build?</p> <p>14 A. She is shorter than me. I would probably</p> <p>15 say maybe 5'5, 5'6". Medium build. She's not</p> <p>16 heavyset and she's not thin.</p> <p>17 Q. I don't think you mentioned with</p> <p>18 Commissioner Giorla, what race is he?</p> <p>19 A. He's Caucasian.</p> <p>20 Q. Correctional Officer Walden, you talked</p> <p>21 already about when you came into contact with that</p> <p>22 officer. Is she a female officer?</p> <p>23 A. Yes, she is.</p> <p>24 Q. Can you give me a physical description of</p>	<p>41</p> <p>1 bottom of the door. But as far as visual, inside</p> <p>2 the cell, I wouldn't think so.</p> <p>3 Q. Did you talk to Mr. Rodriguez before he</p> <p>4 prepared this affidavit?</p> <p>5 A. I believe the only thing that I said to him</p> <p>6 was I would like to ascertain an affidavit from you,</p> <p>7 if you could write down exactly what you saw and</p> <p>8 what time it was, and that's what he did.</p> <p>9 Q. You didn't give Mr. Rodriguez any</p> <p>10 information before he prepared this affidavit?</p> <p>11 A. I don't believe so.</p> <p>12 Q. Is Mr. Rodriguez a friend of yours?</p> <p>13 A. No. I had probably known him -- at that</p> <p>14 point I had probably known him maybe two weeks.</p> <p>15 Q. Is there a reason you asked Mr. Rodriguez</p> <p>16 to prepare an affidavit as opposed to someone else?</p> <p>17 A. Because of the position of his cell.</p> <p>18 Q. Because he was above your cell?</p> <p>19 A. Because he could see the front of my cell</p> <p>20 from his cell.</p> <p>21 Q. Who is Rodney Johnson?</p> <p>22 A. He's another gentleman who was incarcerated</p> <p>23 at the same time. He was living on G2 with me. His</p> <p>24 cell is actually on the lower tier across from my</p>

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<p>1     cell.</p> <p>2                 MR. SHOTLAND: The other attorney 3                 who is here might have a couple questions 4                 for you. I might have a couple after he's 5                 done. Thank you for your time and I'll let 6                 him go.</p> <p>7                 THE WITNESS: Okay. Thank you.</p> <p>8     BY MR. FERRANTE:</p> <p>9     Q.     Good afternoon, Mr. Moore. My name is 10      Alexander --</p> <p>11    A.     Good afternoon. How are you, sir?</p> <p>12    Q.     I'm fine. Can you hear me okay?</p> <p>13    A.     Actually, I can barely hear you. Hold on 14      one second.</p> <p>15    Q.     Mr. Moore, my name is Alexander Ferrante. 16    I represent Nurse McGrogan and I have a few 17      questions for you.</p> <p>18    What are all those documents you have in 19      front of you?</p> <p>20    A.     Actually, I have a presentation for the 21      opening statement I gave. I also have some legal 22      documentation, case law as to what can be done and 23      what can't be done. And then I have several 24      documents as far as what's been filed and what</p>	<p>42</p> <p>1     A.     Yes, which I objected to.</p> <p>2     Q.     And although you knew we were going to take 3         it, you chose not to bring the copies of your 4         grievances or a copy of your complaint?</p> <p>5     A.     I wasn't instructed to bring those things.</p> <p>6     Q.     Well, you weren't instructed to bring what 7         you've brought with you today, you still brought 8         them.</p> <p>9     A.     Correct.</p> <p>10    Q.     Did you -- do you have any personal notes 11      at all about what took place on September 16th or 12      the 17th?</p> <p>13    A.     Personal notes?</p> <p>14    Q.     Yes. Did you take down any notes, write 15      anything down on paper?</p> <p>16    A.     No.</p> <p>17    Q.     Keep a diary at all?</p> <p>18    A.     No, all I have is my original complaint.</p> <p>19    Q.     Let's talk about the night of September 20      16th. You said you were near the footlocker -- 21      sitting on the footlocker, there was an explosion, 22      stuff comes all out of the toilet. I want to start 23      from that moment. Okay?</p> <p>24    A.     Yes, sir.</p>
<p>43</p> <p>1     hasn't. And also things from the medical department 2      and denying me access to contact both counsel for 3      the defendant.</p> <p>4     Q.     Did you bring with you your complaint?</p> <p>5     A.     No, I did not.</p> <p>6     Q.     What legal documents did you bring then?</p> <p>7     A.     The ones I just described to you.</p> <p>8     Q.     You haven't described any to me.</p> <p>9     What legal documents are sitting in front 10     of you?</p> <p>11    A.     Okay. I have the order from the judge 12      granting a motion to compel.</p> <p>13    Q.     Excuse me, Mr. Moore --</p> <p>14    A.     I have a notice of --</p> <p>15    Q.     Mr. Moore, let's go back to that. Go back 16      to that order. What's the date of that?</p> <p>17    A.     Third day of December, 2013.</p> <p>18    Q.     What else do you have?</p> <p>19    A.     I have notice of deposition from you. I 20      also have the video conference order. I have the 21      first scheduling order and also the pretrial 22      conference and hearing on my motion to the judge.</p> <p>23    Q.     So you knew we were going to take your 24      deposition today?</p>	<p>45</p> <p>1     Q.     When did it stop coming out of the toilet?</p> <p>2     A.     It didn't because it continuously 3         overflowed. Every 10 minutes it would overflow.</p> <p>4     Q.     That leads me to believe at one point it 5         has to stop in order for it to continue?</p> <p>6     A.     That is correct.</p> <p>7     Q.     So when did it first stop?</p> <p>8     A.     It overflowed for approximately 15 to 20 9         seconds and then it would stop.</p> <p>10    Q.     Now, during that first time, that 15 or 20 11      seconds when it overflowed you were near your 12      footlocker?</p> <p>13    A.     Correct.</p> <p>14    Q.     Now, after it stopped, did you clean 15      yourself up?</p> <p>16    A.     The only thing I did was I washed the raw 17      sewage out of my face.</p> <p>18    Q.     Did you wash your hands?</p> <p>19    A.     I rinsed my hands.</p> <p>20    Q.     Did you change clothing?</p> <p>21    A.     No, I did not.</p> <p>22    Q.     Well, it's September, it's in the prison, 23      were you just wearing your boxers?</p> <p>24    A.     Actually, I was about to get undressed for</p>

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<p style="text-align: right;">46</p> <p>1 bed. I was sitting on the footlocker taking off my 2 shoes when the toilet exploded. And at that time I 3 only had one set of prison uniform and one pair of 4 sheets. Might I add, I had to sleep on those soiled 5 sheets for two days before I could get them changed. 6 Q. Now, since you saw that the footlocker -- 7 I'm sorry, since you saw that the toilet exploded, I 8 would imagine you kept your shoes on? 9 A. Actually I did. 10 Q. Now, did you keep them on for the rest of 11 the evening until the early morning? 12 A. No, I did not because the raw sewage had 13 seeped down into the shoes. 14 Q. Well, we talked about the first incident, 15 there was a 15 second burst, it stopped. When did 16 the next one happen? 17 A. Approximately 10 minutes later. 18 Q. How long did that last? 19 A. About the same length in time, but granted 20 when other toilets would flush on the upper tier, 21 our toilet would overflow in between those intervals 22 of 10 minutes. 23 Q. So did you put anything over the toilet to 24 stop it from overflowing?</p>	<p style="text-align: right;">48</p> <p>1 and needed medical attention. 2 Q. After that didn't work, why didn't you just 3 stay in the bed? 4 A. I did. 5 Q. So was there only one time you left the bed 6 to go over to the cell door and try to get her 7 attention? 8 A. Once that incident happened I banged at the 9 door. The banging lasted about maybe 45 minutes to 10 no avail. After that I sat on my bunk in the bed 11 covered in raw sewage, yes. 12 Q. So we're talking about a time period from 13 11:15 to about 7:30 in the morning, correct? 14 A. That is correct. 15 Q. During that entire time there was a period 16 of 10 to 15 minutes that you tried to get someone's 17 attention? 18 A. I'm sorry, can you repeat the question? 19 Q. Well, from 11:15 to 7:30 you told us that 20 you were sitting on the bed except for about 10 to 21 15 minutes where you were trying to get someone's 22 attention at the door? 23 A. That's incorrect. 24 Q. What's incorrect about it?</p>
<p style="text-align: right;">47</p> <p>1 A. Absolutely not. 2 Q. Did you put anything into the toilet to try 3 to clog it up? 4 A. Absolutely not. 5 Q. Now, how many inches off the floor is the 6 first bunk bed? 7 A. I would estimate maybe a foot and a half, 8 two feet. 9 Q. So if someone is sitting on the first bunk 10 bed you wouldn't be in the raw sewage? 11 A. That's correct. You wouldn't be in the raw 12 sewage. 13 Q. Is there a reason why you didn't stay on 14 the bed? 15 A. Once the incident happened I was actually 16 covered in sewage. So me laying down in bed, which 17 I eventually did being in distress, I was still 18 covered in raw sewage. 19 Q. That's not my question. 20 Why wouldn't you just stay in bed so your 21 feet wouldn't be in it? 22 A. The reason for that is because I was 23 banging on the door trying to get CO Walden's 24 attention to open the door because I was in distress</p>	<p style="text-align: right;">49</p> <p>1 A. I stated that for 45 minutes I tried to get 2 her attention at the door. After that time I sat in 3 my bunk. The toilet overflowed every 10 minutes. 4 Q. How long were you at the door total trying 5 to get her attention? 6 A. I was at the door for about 45 minutes and 7 then my cellmate, Mr. Eassamy, took over. 8 Q. Mr. Moore, what medications are you on 9 today? 10 A. I'm on an aspirin a day for my heart. I am 11 on Nitrostat Tabs, which is Nitroglycerin, which is 12 PRN for my CAD and I'm also on Risperdal. 13 Q. Are you on Zantac at all? 14 A. No. 15 Q. What was the Zantac for? 16 A. Zantac? 17 Q. Yes. 18 A. When was that administered? 19 Q. Well, that was administered as soon as you 20 got to the prison in July of 2013 and it continued. 21 A. Do you know what that medication is for? 22 Q. It's a mental health medication. Do you 23 have a mental health problem? 24 A. I do. I have PTSD. That medication was</p>

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	50		52
1	probably given -- it's just my assumption that the	1	go to medical, so they sent you down.
2	medication was given until I actually got to my	2	Were you having an emergency? That's a yes
3	jail. They did a reassessment, and I'm on Risperdal	3	or no question.
4	now. I'm also on 90, 600 milligram Motrin per month	4	A. I will answer it like this --
5	for back issues.	5	Q. I want an answer yes or no and then you can
6	Q. Mr. Moore, let's talk about that evening.	6	explain your answer.
7	Before we get there, the mental hospital that you	7	A. I was ordered to medical, yes.
8	were in in 2012, do you remember the name of that?	8	Q. Now, when you got down to medical were your
9	A. Now I do. It was Cypress Hill (sic) and	9	vital signs taken?
10	that is in Houston, Texas.	10	A. A finger monitor was placed on my finger.
11	Q. Now, you went down to medical -- I think	11	Q. Let me ask you again. Do you know what
12	you said around 9:00 a.m. that morning on the 17th?	12	vital signs are, Mr. Moore?
13	A. I believe so.	13	A. I'm not a medical professional, so when you
14	Q. Had you taken a shower yet?	14	say vital signs, I don't know what you're talking
15	A. They allowed me to take a shower before I	15	about.
16	went to medical.	16	Q. As you sit here today, being in the
17	Q. So you were able to get cleaned up?	17	hospitalizations you've had in the past, you don't
18	A. Correct.	18	know what vital signs are, that's what you're
19	Q. Did they give you a new uniform?	19	telling the jury?
20	A. Yes, they did.	20	A. Are you talking about heart rate, blood
21	Q. Now, did you walk down to medical?	21	pressure -- blood pressure wasn't taken. No medical
22	A. Yes, I did.	22	attention was given besides a finger monitor.
23	Q. So at 9:00 a.m. you were able to walk on	23	That's what I'm telling you.
24	your own without having any problems?	24	Q. Would taking your blood pressure have been
	51		53
1	A. Correct. I would also like to add that	1	a good thing or a bad thing?
2	without submitting proper work to go to sick call	2	A. It would have been a good thing if it was
3	down in medical, there's only a limited amount of	3	administered.
4	reasons that they would allow you to go directly	4	Q. Well, your blood pressure was 110 over 80
5	from the block to medical without the paperwork.	5	that day. It was taken that morning by
6	One being in distress, another bleeding	6	Ms. McGrogan.
7	from an altercation, heart attack, stroke, only	7	Did you know that?
8	those types of emergencies are allowed to be	8	A. If that's what the finger monitor does, I
9	processed directly from the block to medical.	9	would guess that that's what it does.
10	Q. Now, in an emergency situation you would be	10	Q. Do you know what your oxygen rate was? Do
11	escorted -- a prisoner is escorted to medical; isn't	11	you know what oxygenation is?
12	that true?	12	A. I absolutely do not.
13	A. I don't know what their procedure is.	13	Q. Your pulse oxygenation rate was 97 on room
14	Q. Do you think this was an emergency	14	air. I'm letting you know that so you can look it
15	situation?	15	up when you go back to your cell to try to find out
16	A. Well, I was in distress and I do have a	16	what that meant. Because I think right now you have
17	history of heart problems.	17	no idea what these medical records show what they
18	Q. Well, that wasn't my question.	18	did for you that day.
19	Did you think this was an emergency	19	What's your respiration? Do you know what
20	situation?	20	your respiration rate was?
21	A. Yes. Obviously if they allowed me to go to	21	A. No, I do not.
22	medical.	22	Q. What about your pulse rate?
23	Q. No. No. I want your opinion right now.	23	A. Well, I do know what a pulse is. It's
24	You went to medical because you wanted to	24	amazing to me that you can tell all these things

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1	from a finger monitor. Because that's all the	1	call slip every day.
2	entire medical visit consisted of.	2	Q. Well, do you remember going back?
3	Q. When you got down to medical they did an	3	A. I never went back to the medical
4	exam on you and they found no shortness of breath.	4	department. I went to the triage, which is right
5	Do you know what shortness of breath is?	5	out of the block.
6	A. Absolutely I do.	6	Q. When was the next time you had any type of
7	Q. Were you having shortness of breath at 9:00	7	medical treatment?
8	or 9:30 a.m.?	8	A. I believe the following day.
9	A. I was.	9	Q. And who treated you then?
10	Q. Were you having a rash at 9:00 or 9:30 a.m.	10	A. The doctor on duty.
11	that morning?	11	Q. By that time was your cell cleaned?
12	A. At -- that morning the rash hadn't started	12	A. Yes, I was ordered to clean the cell before
13	yet.	13	I could even go to medical that day.
14	Q. Were you complaining of chest pain at 9:00	14	Q. So it had been cleaned by the time you left
15	to 9:30 in the morning?	15	at 9 o'clock?
16	A. I was.	16	A. That is correct.
17	Q. Can you explain how you can have chest	17	Q. Any trouble cleaning the cell?
18	pain, but have a normal oxygen rate and a normal	18	A. Just basically exposing myself further to
19	pulse rate?	19	the raw sewage with no protective gear. To my
20	A. No, I cannot.	20	understanding, that prison officials are supposed to
21	Q. Were you vomiting that morning in the	21	have designated HAZMAT people to clean up bodily
22	medical department?	22	fluids, which did not happen.
23	A. Not in the medical department, no. The	23	Q. But you had no trouble physically cleaning?
24	visit was very short.	24	A. Sure there was trouble.
	55		57
1	Q. So in the medical department there was no	1	Q. Did you have a mop?
2	vomiting going on? No diarrhea?	2	A. No, I did it on my hands and knees.
3	A. No, I did not vomit.	3	Q. What about your roommate, did he do it on
4	Q. Any diarrhea in the medical department?	4	his hands and knees too?
5	A. Not in the medical department, no.	5	A. No. At 7:30, when they cracked the doors
6	Q. Any complaints of headaches in the medical	6	to let us out, he was summoned on a path to
7	department?	7	somewhere. So I had to do everything myself.
8	A. Yes, I did tell her about the headaches.	8	Q. Now, the next day you had some medical
9	And I also explained it was probably breathing the	9	treatment. And do you remember having your vital
10	raw sewage for over eight hours.	10	signs taken that day?
11	I do have a question. How can -- how is it	11	A. No, I do not remember per se.
12	possible to determine oxygen in the blood with a	12	Q. You were complaining that your stomach was
13	finger monitor?	13	upset.
14	Q. In your complaint you list a bunch of	14	A. Okay.
15	things that -- a bunch of your injuries. It's on	15	Q. Does that refresh your memory at all?
16	page 3.	16	A. I believe my stomach was upset at that
17	Do you realize that headaches was not one	17	point.
18	of the things that you complained about?	18	Q. They asked you if you have shortness of
19	A. It may not have been. I also have	19	breath and you said no --
20	something to add. If the headaches or the vomiting,	20	A. The following day you're talking about?
21	stomach problems weren't there, why was the medical	21	Q. Yes.
22	department prescribing medication to treat it?	22	A. You're talking about the 18th?
23	Q. When did you go back to medical?	23	Q. I'm talking about the 18th. That's the
24	A. I was basically going -- dropping a sick	24	following day; isn't it?

15 (Pages 54 to 57)

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1 A.	It is the following day.	1 A.	Correct.
2 Q.	And you weren't complaining of shortness of breath then?	2 Q.	She didn't think medical care, other than what she did, was necessary. You have a difference of opinion?
3		3	
4 A.	Okay. If that's what it says, that's what it says.	4 A.	Correct.
5		5	
6 Q.	Don't you remember -- you have no memory of the following day what your symptoms were?	6 Q.	And what's the basis of your difference?
7		7	What more was it that you wanted her to do?
8 A.	You're asking -- what you're doing is you're asking me to remember something from a year	8 A.	For one, she was informed by me that I take
9	and a half ago to today. Is that what you're asking?	9	Nitroglycerin. That was denied.
10		10	
11 Q.	I'm asking what symptoms in this traumatic event in your life you were having the next day?	11 Q.	Well, you had no shortness of breath. She thought medically you didn't need it. There was no
12		12	complaints of chest pains. There was no shortness
13 A.	Okay. I was having stomach problems. I was still vomiting. I was having diarrhea and severe headaches.	13	of breath. Your oxygenation was normal. Your pulse rate was normal. Your blood pressure was normal.
14		14	
15 Q.	You weren't having chest pains, you weren't having shortness of breath?	15 A.	That's absolutely incorrect because I
16		16	informed her of the chest pains. And like I stated
17 A.	No. The next day, which was the 17th, which would be the day before, chest pains subsided	17	for the record before, the only thing that was done
18	that afternoon even though I was denied the	18	by Nurse McGrogan while I was at medical was a finger monitor. Now if you can monitor --
19	Nitroglycerin.	19	
20		20	What else did you want her to do?
21 Q.	The chest pain subsided on the afternoon of September 17th?	21 A.	Administer medication that I'm allowed to have.
22		22	
23 Q.	So you wanted medication? That's what you --	23	
24		24	
	59		61
1 A.	17th, correct.	1 A.	Correct.
2 Q.	When did you have any other medical treatment for any other reason -- for any reason by any provider?	2 Q.	I thought you came down there to be examined and to be checked out to see what medical needs you had? Or did you just go down looking for medication?
3		3	
4 A.	I was seen several days in a row for the athlete's foot, for the rashes. I was prescribed the antifungal cream. I was given Motrin for the headaches. I was given antacids for the stomach problems for several days after until I was informed	4	
5	by the doctor -- my sick call request would no	5	
6 longer be accepted.		6	As I stated before, I informed the block
7		7	officer that morning that I was having chest pains.
8 A.	I was seen several days in a row for the athlete's foot, for the rashes. I was prescribed the antifungal cream. I was given Motrin for the headaches. I was given antacids for the stomach problems for several days after until I was informed	8	That's the only way that you can get off of the
9	by the doctor -- my sick call request would no	9	block and considered an emergency.
10 longer be accepted.		10	
11 Q.	You had a sick call and you were seen on September 23rd for your feet. You had another sick call and you were seen on March 23rd. You were	11	Thank you.
12	discharged from this prison to Graterford on November -- it looks like November 13th.	12	MR. FERRANTE: I don't have any other questions for you.
13 Q.	Does that correspond with your memory?	13	
14 A.	Pretty much.	14	BY MR. SHOTLAND:
15 Q.	What is it you wanted Nurse McGrogan to do for you that morning?	15	Q. Mr. Moore, just very briefly, was there soap in your cell?
16 A.	It's what she didn't do. She didn't provide me any medical care.	16	A. I'm not sure whether there was soap in the cell or not.
17 Q.	So you wanted her to provide you with medical care? That's what you wanted?	17	Q. You don't know whether there was soap in your cell?
18		18	
19		19	
20		20	
21		21	
22		22	
23		23	
24		24	

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<p>62</p> <p>1 Q. And you don't remember whether there was 2 soap in your cell? 3 A. I don't remember. 4 Q. But there was a sink in your cell? 5 A. That is correct. 6 Q. And after the toilet overflowed for the 7 first time, you went to the sink and you washed 8 yourself off as best as you could? 9 A. I splashed water in my eyes and in my mouth 10 to get the raw sewage out of my face area. 11 Q. Was there anything stopping you from 12 cleaning yourself off at the sink? 13 A. The raw sewage that was spouting out of the 14 toilet. The -- let me just give you an idea that -- 15 the sink sits over top of the toilet. 16 Q. The sink is directly over top of the 17 toilet? 18 A. Not directly. It's in the proximity over 19 the toilet. 20 Q. And at times you said the toilet was 21 overflowing every 10 minutes, but within those 10 22 minute periods it was not overflowing, correct? 23 A. Some there weren't, some there were. Like 24 I said, when the cells above me would flush their</p>	<p>64</p> <p>1 C E R T I F I C A T I O N 2 3 4 I, ALEXANDRA ALVARADO, Court 5 Reporter, certify that the foregoing 6 is a true and accurate transcript of 7 the foregoing deposition, that the 8 witness was first sworn by me at the 9 time, place and on the date herein 10 before set forth. 11 I further certify that I am 12 neither attorney nor counsel for, not 13 related to nor employed by any of the 14 parties to the action in which this 15 deposition was taken; further, that I 16 am not a relative or employee of any 17 attorney or counsel employed in this 18 case, nor am I financially interested 19 in this action. 20 21 Alexandra Alvarado 22 Court Reporter 23 and Notary Public 24 Dated: _____</p>
<p>63</p> <p>1 toilet within that 10 minute interval, our toilet 2 would overflow again. 3 MR. SHOTLAND: Thank you, 4 Mr. Moore. That's all I have. 5 (Witness excused.) 6 (Deposition concluded at 7 3:44 p.m.) 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	